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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,381	10/14/2003	Lertyos Singhaseni	14582	6305

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EXAMINER

EPSHTEYN, ALEXANDER

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/686,381

Applicant(s)

SINGHASENI, LERTYOS

Examiner

Alex Epshteyn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/2/04, 6/1/06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The function to find H is not defined or described.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The first unit A_i, the second unit B_i, the third unit C, and the unit J_i are undefined as to what these units represent. Further, the functions that define C, G_i, or H are not defined in the claim.

Claim Rejections - 35 USC § 102

Art Unit: 3714

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-11, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by the game of Poker.

The claim language of claims 1-4, 6-11, and 13-15 read on a typical game of poker, where a plurality of players choose a first unit including the number of players, a second unit including the number of cards to be distributed, such as 5 cards in the game of draw poker, a third unit is determined based on a function of the second unit, including which card to start on, and a card is distributed until all the remaining cards are distributed to each player based on the first unit and the third unit. The units are playing cards and integers. A community unit can be determined based on the number of community cards needed or a wild card needed and this method can be performed on a computer as well as a table game. Such poker games are notoriously well known in the art and a reference can be provided upon request.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3714

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff (US Patent 6,386,973) and further in view of Rapp (US Patent 4,713,787).

Regarding claims 1 and 9, Yoseloff teaches of a method of distributing game tokens to players in a game wherein the game comprises the distribution of game tokens to a plurality of players (9: 16-35). The method of distributing the game tokens in the embodiment of Yoseloff describes assigning a random number to a position on a card deck and dealing the cards based on the determination of this random number (9: 48-57). The method of determining the random number is not explicitly described in Yoseloff but it is obvious to one skilled in the art that a plurality of different methods of random number generation exist in the art.

Rapp teaches of a method of random number generation for a lottery embodiment. The random number generation requires two inputs by the user, a pick key corresponding to the number of random numbers desired and a range key for selecting the range of numbers desired. The inputs are provided on a digital computer (2: 34-38). The system of Rapp then uses the two user inputs to calculate the random numbers required using a series of predefined formulas (3: 23-65). Rapp states that

Art Unit: 3714

random number generators have been used in electronic games, particularly for one purpose such as the distribution of random card hands (1: 34-37). It would be obvious for one skilled in the art to incorporate the teachings of Rapp into the teachings of Yoseloff to define the method of random number generation in Yoseloff. The use of the teachings of Rapp in the teachings of Yoseloff could include a first player input of a pick input designating the number of cards or input that need to be dealt, a second input by the user designated the range of cards to be dealt from (i.e. 52 cards), deriving a third unit using a function of the second input of the user, where the function is taught by Rapp where the range of the resultant integer is checked (figure 6), and designating a random integer as a function of the first input and the third unit (figure 6). The steps are then repeated until all of the required integers are determined (4: 33-40). The random numbers produced by Rapp can then be used in the teachings of Yoseloff to correspond to the cards to which the random number has been assigned and dealt to the players.

Regarding claim 2, the dealt game tokens in Yoseloff are playing cards (9: 48-57).

Regarding claims 3, 10, and 15, it would be obvious for one skilled in the art to include as a first input a playing card designating the number of cards to be dealt. This would create an interesting selection embodiment for the player.

Regarding claims 4 and 11, the second input is a range of numbers that are integers as described above.

Regarding claims 5, 12, and 16, while Rapp does not teach that the third unit is derived by taking a sum of all the inputs of the second unit, the result of Rapp is a series

Art Unit: 3714

of random number as is also the case with the present application. Thus, it would be a matter of design choice for one skilled in the art to use a different mathematical expression to calculate the third unit since applicant has not stated a reason or solved a stated problem by calculating the third input by taking a sum of the second input. One skilled in the art, furthermore, would have expected an equivalent result using the method of Rapp.

Regarding claims 6 and 13, it is well known in the art that several embodiments of the game of poker, including the embodiments taught by Yoseloff involve community tokens such as in the use of community cards in the game of Teas hold'em as taught by Yoseloff (9:8-16) or in the dealing of wild community cards, also as taught by Yoseloff (8: 52-59). It is also well known and taught by Yoseloff that the community cards are chosen using a random number generator. It would be obvious for one skilled in the art to use the random number generator as taught by Rapp and discussed above in the invention of Yoseloff to determine the community cards by a predetermined algorithm where an input can be provided by the players designating the amount of community cards needed to define the method of random number generation used in Yoseloff.

Regarding claims 7 and 8, Rapp teaches that the input provided by the user for the random number generation is input into a computer and the computer is a digital computer (3: 25-35).

Regarding claim 14, this claim is essentially the same as claims 1 and 9 as described above but adds the limitation of choosing a community card based on a third

Art Unit: 3714

input. Such a limitation is described with reference to claims 6 and 13, as described above and as such is taught by the combination of Yoseloff and Rapp.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Epshteyn whose telephone number is 571-272-5561. The examiner can normally be reached on M-F 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached at 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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